

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA                     )  
   )  
          v.   )     CASE NO. 1:19CR017  
   )  
JOSEPH F. WISEMAN, JR.                     )  
   )  
\_\_\_\_\_  
   )

**GOVERNMENT’S MOTION FOR LEAVE TO FILE REPLY**

COMES NOW the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby moves the Court for leave to file a reply in further support of the Government’s Memorandum Regarding Restitution (Doc No. 41). In support thereof, the Government shows the Court as follows:

1. At sentencing for Defendant Joseph F. Wiseman, Jr., the Court left determination of restitution open for 90 days, until November 26, 2019 (Doc. No. 38), and ordered the parties to submit additional materials regarding restitution within 30 days of sentencing.
2. On September 26, 2019, the Government submitted the restitution request of the victim in this case, Buncombe County (Doc. No. 41).
3. On October 1, 2019, Defendant requested a 7-day extension of time to respond to the restitution request (Doc. No. 44).
4. On October 10, 2019, Defendant submitted its response in opposition to the restitution request. Defendant’s submission is 53 pages long and raises a number of issues to which the Government believes a response is necessary, including arguments that the restitution request is both procedurally and substantively improper.

5. The Government respectfully requests 14 days in which to respond to Defendant's opposition, including by attempting to resolve the restitution calculation issue without further court intervention and, if necessary, filing a reply to the opposition.

6. Undersigned counsel has conferred with counsel for Defendant, who advises that Defendant does not object to the request for leave to reply within 14 days.

7. In the event that Defendant wishes to file a sur-reply, the Government consents to such a filing within 7 days of the Government's reply.

WHEREFORE the United States hereby respectfully requests that this Court grant the Government leave to file a reply within 14 days, by October 31, 2019.

This the 17th day of October, 2019.

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